

REMARKS

Claims 1, 3, 4, 6 and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ko et al. (U.S. Patent No. 6,724,705) (hereinafter "Ko") in view of Weiler et al. (U.S. Patent No. 6,725,205) (hereinafter "Weiler"). Claims 8 and 11-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ko in view of Weiler. Claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ko in view of Weiler and further in view of Takeshita (U.S. Patent No. 6,556,524) (hereinafter "Takeshita"). Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ko in view of Weiler and further in view of Yonemitsu et al. (U.S. Patent No. 5,592,450) (hereinafter "Yonemitsu"). Claims 9 and 10, while objected to as being dependent upon a rejected base claim, would be allowable if rewritten in independent form. These rejections are respectfully traversed for at least the following reasons.

Independent claim 1 of instant application describes a "recording medium on which information is to be recorded by an information recording apparatus." This feature refers to a general structure of recording medium.

With regard to claim 1's feature of "identification information for identifying the information recording apparatus for recording the information onto the recording medium," Applicants respectfully submit that Ko relates to a technique of storing write protection information, and does not disclose, to any extent, identification information for identifying an information recording apparatus. Weiler discloses that a target serial number related to a system serial number for identifying an information recording apparatus is recorded in a disc.

Applicants will now address claim 1's feature of "recording parameter information containing optimization information for optimizing a recording state in the record processing executed by the information recording apparatus specified by the identification information."

Applicants note that a recording speed, a beta (β) value, an intensity of light beam, a wave length of light beam, and strategy information are referred to as examples of the recording parameter information in an embodiment of the present application.

Ko discloses that types and versions of the specifications, disc size, maximum transmission rate, disc structure (single/dual), recording density, and data region allocation are recorded in a control data zone. See col. 10, lines 30 to 42 of Ko. The Examiner stated at page 4, line 2 of the Office Action that this maximum transmission rate corresponds to the “recording parameter information” (optimization information) feature of independent claim 1 of the instant application.

Such an interpretation is respectfully traversed, however, because the maximum transmission rate in Ko is not disclosed as being associated with an information recording apparatus specified by identification information. In other words, the maximum transmission rate in Ko is not recording parameter information for an information recording apparatus.

On the other hand, independent claim 1 of the instant application includes a specific feature of “recording parameter information” which is information for an information recording apparatus specified by identification information. Therefore, Applicants respectfully submit that the “recording parameter information” feature of independent claim 1 is not disclosed in Ko.

Further, Applicants respectfully submit that there is no description about recording parameter information in Weiler. As a result, the “recording parameter information” feature of independent claim 1 of the instant application is also neither disclosed or suggested in Weiler.

Therefore, Applicants respectfully submit that the “recording parameter information” feature of independent claim 1 of the instant application is neither disclosed or suggested in Ko and Weiler.

With regard to claim 1's feature of "wherein at the time of manufacturing the recording medium, there are recorded in advance...", Applicants note that it is clear from the language of independent claim 1 that identification information and recording parameter information are recorded in advance at the time of manufacturing the recording medium.

Ko discloses that information is recorded at the time of manufacturing the recording medium. This information being related to types and versions of the specifications, disc size, maximum transmission rate, disc structure (single/dual), recording density, and data region allocation. See col. 10, lines 30 to 42 of Ko. However, Applicants respectfully submit that the information in Ko is information that is associated with the recording medium. In other words, Ko does not disclose that identification information and recording parameter information are recorded, each of these types of information being related to an information recording apparatus. Weiler discloses that a target serial number related to a system serial number for identifying an information recording apparatus is recorded in a disc in advance.

As can be understood from the foregoing discussion regarding a comparison between the features of independent claim 1 of the instant application, and the applied Ko and Weiler references, independent claim 1's feature of "recording parameter information containing optimization information for optimizing a recording state in the record processing executed by the information recording apparatus specified by the identification information" is neither disclosed or suggested in Ko and Weiler. In other words, the relationship between identification information and recording parameter information, as specifically described in the instant application's independent claim 1, is neither disclosed or suggested in Ko and Weiler.

In summary, Applicants respectfully submit that independent claim 1's specific features of "recording parameter information" for an information recording apparatus (i.e., for each information recording apparatus) is recorded is not disclosed or suggested in Ko and Weiler.

Accordingly, Applicants respectfully submit that that claim 1 is non-obvious over Ko in view of Weiler. Similar arguments also apply to the remaining independent claims 8 and 11-13.

Accordingly, Applicant respectfully asserts that the rejections under 35 U.S.C. § 103(a) should be withdrawn because none of the applied art of record, whether taken singly or combined, teach or suggest each feature of independent claims 1, 8 and 11-13. MPEP § 2143.03 instructs that "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 409 F.2d 981, 180 USPQ 580 (CCPA 1974)." Furthermore, Applicant respectfully asserts that dependent claims 2-7 are allowable at least because of their dependence from claim 1, and the reasons set forth above. Moreover, Applicant respectfully submits that the additionally applied reference to Takeshita with respect to claim 2, does not cure the deficiencies discussed above with regard to the primary references. Also, Applicant respectfully submits that the additionally applied reference to Yonemitsu with respect to claim 5, does not cure the deficiencies discussed above with regard to the primary references.

The Examiner is thanked for the indication that claims 9 and 10, while objected to as being dependent upon a rejected base claim, would be allowable if rewritten in independent form. Applicants respectfully submit that these claims are also in condition for allowance at least because of their dependence from independent claim 8, and the reasons set forth above. Accordingly, withdrawal of the objection to these claims is respectfully requested.

CONCLUSION

In view of the foregoing, Applicants submit that the pending claims are in condition for allowance, and respectfully request reconsideration and timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0573. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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